

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GENERAL ATOMICS, DIAZYME
LABORATORIES DIVISION, a California
corporation,

Plaintiff,

v.

Defendant.

AND ALL RELATED ACTIONS

Case No. 3:05-cv-04074 SI

**STIPULATION AND [PROPOSED]
ORDER DISMISSING '645 AND
'581 PATENTS WITH PREJUDICE**

Judge: The Honorable Susan Illston

IT IS HEREBY STIPULATED by and between the parties to this action through their undersigned counsel that all claims and counterclaims relating to United States Patent No. 5,827,645 and United States Patent No. 6,063,581, are hereby dismissed with prejudice. This dismissal applies only to General Atomics' enzymatic homocysteine assay products. This dismissal shall not be deemed to affect the remaining claims and counterclaims set forth in the Complaint and in the Counterclaim. The parties further stipulate that each party will bear its own costs and fees.

1 Dated: February 10, 2006

VOSS, COOK & THEL LLP

2 By: /s/ Paul C. Nyquist

3 Paul C. Nyquist

4 Francis T. Donahue

5 Attorneys for Defendant/Cross-Complainant

AXIS-SHIELD ASA

6 Dated: February 10, 2006

PRESTON GATES & ELLIS LLP

7 By: /s/ Timothy P. Walker

8 Timothy P. Walker

9 Elaine Y. Chow

10 Attorneys for Defendant/Cross-Complainant

AXIS-SHIELD ASA

11 Dated: February 10, 2006

MORRISON & FOERSTER LLP

12 By: /s/ David C. Doyle

13 David C. Doyle

14 Steven E. Comer

15 Peng Chen

16 Anders T. Aannestad

17 Jason A. Crotty

18 Attorneys for Plaintiff

19 GENERAL ATOMICS, DIAZYME

20 LABORATORIES DIVISION and

21 Counterdefendant-counterplaintiff

22 CAROLINA LIQUID CHEMISTRIES

23 CORPORATION

24 [PROPOSED] ORDER

25 IT IS SO ORDERED.



26 Dated: _____

27
28 The Honorable Susan Illston
United States District Judge

General Order 45 Attestation

I, Anders T. Aannestad, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Dismissing ‘645 and ‘581 Patents with Prejudice. In compliance with General Order 45, X.B., I hereby attest that David C. Doyle, Paul C. Nyquist and Timothy P. Walker have concurred in this filing.

/s/ Anders T. Aannestad
Anders T. Aannestad